

MURRAY-NOLAN BERUTTI LLC
Attorneys at Law

Partners

Gwyneth K. Murray-Nolan (NJ, NY, DC)
gwyneth@murray-nolanberutti.com

Ronald A. Berutti (NJ, NY, KY)
ron@murray-nolanberutti.com

Associate

Stephanie Jablonsky (NJ)
stephanie@murray-nolanberutti.com

June 24, 2022

Via ECF

Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Shaw-Nae Dixon, et al. v. Bill DeBlasio, et al.
Civil Action No. 1:21-cv-05090-BMC
Our File No. 01016

Dear Judge Cogan:

As Your Honor is aware, this firm represents the plaintiffs in the above referenced matter. Presently, the plaintiffs' Motion Seeking Leave to Amend the Complaint is pending, as if defendants' Motion to Dismiss. Today, the Supreme Court decided *Dobbs v. Jackson Women's Health Organization*, ___ U.S. ___ (June 24, 2022) (Case No. 19-1392). Based on certain parts of that Opinion, we believe it to be appropriate to seek further amendment of the plaintiffs' Complaint. Most specifically, in a Concurring Opinion, Justice Thomas expanded on his view of substantive due process and the Privileges and Immunities Clause of the Fourteenth Amendment, both of which are implicated in our clients' Complaint. We believe that in light of same, the Complaint should be further amended. Prior to today, such amendment would not likely have been an appropriate consideration.

Under the circumstances, we sought consent of our adversary (1) to request that the Court provide us with additional time to re-draft the proposed Amended Complaint; and (2) to withdraw the pending Motion Seeking Leave to Amend, and then to re-file it in light of same. Counsel for defendants responded, and has advised that defendants will neither consent to our request for additional time to seek amendment of the Complaint, nor will they withdraw their Motion to Dismiss.

Based on the foregoing, we respectfully request that the Court (1) grant the plaintiffs additional time to submit a proposed Amended Complaint under cover of a new Motion Seeking Leave to Amend and, if such permission is granted; (2) permit the plaintiffs to withdraw their pending Motion Seeking Leave to Amend so that the plaintiffs may seek to plead what they believe will be an "even better" Amended Complaint. If defendants wish to continue maintenance of their

100 E. Hanover Avenue, Suite 401, Cedar Knolls, New Jersey 07927 (908) 588-2111

8707 Colonial Road, Brooklyn, New York 11208 (212) 575-8500 (Please reply to NJ office)

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Motion to Dismiss under such circumstances, they will do so at the risk of such motion being moot. Regardless of outcome, the plaintiffs merely are seeking to preserve their rights.

We thank Your Honor for consideration of the above.

Respectfully yours,

MURRAY-NOLAN BERUTTI LLC

Ronald A. Berutti

By: _____
Ronald A. Berutti

RAB:jm

cc: Kerri Devine, Esq. (via ECF)